

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WHOLE FOODS MARKET  
GROUP, INC. OVERCHARGING  
LITIGATION

Civil Action No. 1:15-cv-5838 (PAE)

**ORDER**

This matter came on for consideration at the pre-motion conference held on November 21, 2018 regarding Defendant Whole Foods Market Group, Inc.’s anticipated motion for summary judgment. The Court finds that testimony regarding the inspections conducted in 2014-2015 by the New York City Department of Consumer Affairs (“DCA”) at certain Whole Foods stores in which the DCA reported weight discrepancies on certain lots of chocolate cupcakes and cheese may bear upon the determination of the motion. The Court is advised that the applicable inspections were conducted by the following DCA inspectors: E. Moriarty, C. Sykes, O. Ayodee, and H. Nasralla (collectively, the “Applicable Inspectors”). Accordingly,

**IT IS HEREBY ORDERED** that the parties shall take such depositions as they deem necessary of the Applicable Inspectors by December 21, 2018; and

**IT IS FURTHER ORDERED** that DCA shall make the Applicable Inspectors available for deposition during that period.

**SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

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HONORABLE JUDGE PAUL A. ENGELMAYER